

The Appeals Board has jurisdiction to review a preliminary hearing order if one of the specific issue listed in K.S.A. 44-534a, as amended by S.B. 649 (1996), are disputed. Jurisdiction is also granted if the appellant alleges that the Administrative Law Judge exceeded his or her jurisdiction in granting or denying the relief requested. See K.S.A. 44-551, as amended by S.B. 649 (1996). The issue raised by the respondent is not contained in K.S.A. 44-534a, as amended by S.B. 649 (1996). Furthermore, the Administrative Law Judge has specific authority pursuant to the preliminary hearing statute, K.S.A. 44-534a, as amended by S.B. 649 (1996), to grant or deny temporary total disability compensation at a preliminary hearing pending a full hearing on the claim. Accordingly, the Appeals

Board concludes, at this junction of the proceeding, it does not have jurisdiction to review this preliminary hearing Order.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this appeal should be, and is hereby, dismissed and the Order of the Special Administrative Law Judge Michael Harris dated May 28, 1996 remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of July 1996.

BOARD MEMBER

c: Edward D. Heath Jr., Wichita, KS
Steven L. Foulston, Wichita, KS
Michael Harris, Special Administrative Law Judge
Philip S. Harness, Director